

6 OCT 1977

Donald A. Jelinek, Esq.
Jelinek and Samsel
2437 Durant Avenue
Berkeley, CA 94704

Dear Mr. Jelinek:

This is in response to your appeal, based on our denial of a waiver of fees, which you addressed to the Office of the Deputy Attorney General. Please refer to their letter, dated 29 August 1977; this Agency's letters, dated 24 June and 29 July 1977; as well as to a telephone conversation between yourself and a representative of this office on 30 September 1977.

Please be assured that your appeal is being considered very carefully on the basis of the information you provided in the telephone conversation, as well as on the additional clarifications you agreed to provide concerning the various organizations and events, or topics, you originally listed in your letter of 15 June 1977.

Per your statements, we understand that the Daily Californian is the campus newspaper for UCLA; that, even though it is independent, it does have contractual obligations to the university; that it also functions as a regular newspaper in the Berkeley, California, area. We further understand that the request is being made by yourself on behalf of Don Hess and the Daily Californian; that the Associated Students of the University of California (ASUC) is not associated in this request; and that they will be making their own separate request.

As explained to you in the telephone conversation, our indices and retrieval systems are not adapted to respond to broadly phrased topics, nor addresses. They are geared to proper names of individuals or organizations. With only few exceptions, your requests as they are now phrased, are really requests for research, rather than for reasonably described records as prescribed in the Freedom of Information Act. As such they do not really fall within the purview of the Freedom of Information Act. Per our telephone conversation, we will await your clarification and/or confirmations concerning

the exact names of the organizations you have listed. We will also expect to receive similar, additional information from you concerning the events or topics you listed, giving them a specificity which would make it possible for us to conduct reasonable searches, rather than expensive research efforts.

In general, it is our policy not to assess fees for searches involving an individual's or an organization's request for information concerning themselves or their organization, including affiliated or directly related organizations. In this case, this would normally include, for example, such of your requests as those for campus organizations like the Associated Students of the University of California, Berkeley, or the Daily Californian. On the other hand, that policy would hardly include such organizations as the "Red Family," or the "Berkeley Tribe." We do not believe these organizations could be described as campus-sanctioned, much less chartered organizations.

We also acknowledge your request that this latter category of requests be deemed as requests for information which would be in the public's interest by virtue of the Daily Californian's broader character as an area, rather than just a campus newspaper. We will reconsider your request when we receive your further clarifications and information referred to in the second and third paragraphs of this letter.

In the meantime, per paragraph (b) of the schedule of fees we mailed to you earlier, we are suspending the running of the period for our response to these requests pending the receipt of the information and clarifications.



Gene F. Wilson
Information and Privacy Coordinator

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